

Brunswick Planning Commission

Minutes

September 24, 2003

Commission Members Present: Chair Ed Gladstone, Vice Chair Don Krigbaum, Secretary Connie Koenig, Council Liaison Walt Stull, Wayne Dougherty, and Ellis Burruss, Alternate

Mayor & Council Present: Councilman Bell and Castle

Staff Present: City P & Z Administrator Rick Stup and County Planning Liaison Carole Larsen

Chairman Gladstone called the meeting to order at 7:00 PM

Chairman

Mr. Gladstone requested all those in attendance that were going to speak on any of the cases, to rise and be sworn in. He then administered the oath.

New Business Continued from September 22, 2003

Zoning – Site Plans

Dean Moore, Residential Site Plan, Public Improvement Plans & PWA Package:

Request for re-approval of a Residential Site Plan and PWA Package, located on the south Side of D Street, west of Fourth Avenue. Zoning Classification: R-1, BR-SP-01-04-SP/IP/PWA

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report. He stated that the Residential Site Plan expired on February 25, 2003. In order for a plan to be vested, it must be under significant construction before the plan expiration. It was re-submitted with the Improvement Plans for approval in accordance with the Zoning Ordinance. The plans for the development of the five (5) lots of record have not changed since the original approval. The Frederick County approvals remain valid until October 10, 2004. Included are the PWA, Deed of Easement and Guarantee of Improvements. All of those documents appear to satisfy the City's Requirements. While the City is not processing new applications for sanitary sewer taps due to the MDE Annual Flow Allocation, this project was in the pipeline. In that regard, a Multi-Year Sewer Tap Agreement or the allocation request for the five lots should be submitted for Mayor and Council approval.

Staff recommends re-approval of the Residential Site Plan and the Improvement Plans and approval of the PWA Package with the following conditions:

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Staff Presentation and Recommendation Cont.

Satisfactorily address any additional agency comments.

Applicant bound by their testimony.

PWA Package approved by the Mayor and Council.

A Multi-Year Tap Agreement or Sewer Tap Allocation request be submitted for Mayor and Council approval.

Staff further recommends that a recommendation of approval for the PWA Package be forwarded to the Mayor and Council.

Mr. Stup answered questions with regard to the application.

Applicant

None.

Public Comment

None.

Rebuttal

None.

Decision

Mr. Dougherty made a motion to approve the request in accordance with Staff Recommendation; Mr. Krigbaum seconded the motion.

Vote: Yea 5 Nay 0

Zoning – Concept Plan

Hopwood Center: Request for Concept Plan review, located west of Walnut Street, south of West Potomac Street. Zoning Classification: I-1, BR-SP-03-04-CP

Staff Report and Presentation

Mr. Stup presented the Staff Report. He stated that the Concept Plan was submitted for a lot of record fronting the end of Walnut Street. The applicant has developed a concept for the development of the property. Under the concept option there isn't any approval. The Planning Commission may give their individual comments to be incorporated in the Site Plan. It is to be served by public water and sewer with lines and improvements extended by the applicant. The proposal is to create a warehouse and future self-storage facility on the vacant 0.9405 acre +/- lot.

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Staff Report and Presentation Cont.

There is no action required on a Concept Plan. In addition to agency comments, the Planning Commissioners have the opportunity to comment with regard to Staff's comments and their personal preferences with regard to the project.

Mr. Stup answered questions with regard to the Concept Plan. Ms. Koenig questioned access and truck traffic and clarification on George's Alley. Mr. Stull had concerns with sewerage issues.

Applicant

Mr. David Adams, Van Mar Associates, presented the Applicant's case with Mr. Bill Hopwood. It was stated that Mr. Hopwood's street cleaning business would occupy the initial buildings, no customer's traffic anticipated. He also answered questions with regard to the type of equipment used in his business.

Public Comment

Karin Burch questioned the proposed lighting and had some general questions.

Tim Erfourth had traffic and parking concerns.

Archie Quesenberry had traffic and safety concerns with regard to the existing alleys.

Karen Kafert questioned the alley improvements.

Randy George commented on the alleys and parking.

Perry Hamilton made general remarks with regard to his past experiences in cooperation on projects.

Rebuttal

Mr. Adams made his closing statements.

Mr. Krigbaum departed the meeting for the balance of the agenda.

Decision

The Planning Commission made the following comments since there is no formal action on a Concept Plan:

Address the garage issue.

Any BOA approvals must be obtained prior to submission for Planning Commission action.

Decision Cont.

Address access and parking concerns.

Landscaping to be provided at a minimum in accordance with the Parking Lot Requirements. Additional landscaping and screening are desirable especially along the alley parallel to West Potomac Street.

Include all exterior fixtures with detail on any Site Plan submission.

Add signage location and detail on any Site Plan submission.

Engineer's Certification of Industrial Performance Standards will be required with any Site Plan submission.

Water and sewer design requirements to comply with Staff's Recommendations will be required.

Traffic movement needs to be identified with the Site Plan submission to include any mitigation proposals.

Any design waivers must be addressed with the Site Plan.

ZONING – Site Plans – Public Improvement Plans

Lot 260 (East F Street): Request for approval of a waterline extension, located in F Street, west of Second Avenue. Zoning Classification: OS, BR-IP-03-02

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for this request to extend a 2'' water line to serve Lot 260. While there is a sanitary sewer connection shown on the plans as existing, no sanitary sewer tap has been allocated to the property. Therefore, it is subject to the current City policy of no available taps for new projects. However, with approval and the plan signed, it qualifies to be placed on the waiting list. While most agency comments are technical in nature, the applicant's response No.2 to the City Engineer's Comments is not acceptable. Under the direction of the Council, City DPW responds to the type of existing infrastructure and the City Engineer reviews technical engineering issues to include required size of the improvement and safety related water issues. In addition, while the plan is for water line extension only, the applicant response No. 3 is also not valid. F Street is open but not improved on the applicant's side of the road. Therefore, a standard city half section, at a minimum, is required to be created in order for the lot to be issued a Zoning Certificate. Public Improvement Plans and PWA Process are required for that improvement.

Because the plan does not reflect all of the required public improvements, and additional Street Improvement Plan was not submitted and major technical design issues have not been resolved, Staff recommends a continuance to the December Planning Commission

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Staff Presentation and Recommendation Cont.

meeting in order for the issues to be resolved and a TAC meeting held for the total required improvements. (Submission for the December meeting is October 24.)

Mr. Stup answered questions with regard to the plan.

Applicant

Mr. Mike Sponseller, Applicant, presented the Applicant's case.

Public Comment

None.

Rebuttal

None.

Decision

Ms. Koenig made a motion to continue the request in accordance with Staff Recommendation; Mr. Burruss seconded the motion.

VOTE: Yea 5 Nay 0

715 East D Street: Request to extend a water line in Gum Springs Road, located in Gum Springs Road, north of Proposed D Street. Zoning Classification: OS, BR-IP-03-01

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for this request to extend a 2" water line to serve the subject property. It also indicates a proposed connection to the existing sanitary sewer line in Gum Springs Road. The City has not been processing new applications for sanitary sewer taps since the receipt and review of the 2003 MDE Flow Allocation for the City of Brunswick WWTP. However, with approval and the plan signed, it qualifies to be placed on the waiting list for new projects. While most agency comments are technical in nature, as with the last case, there are basic design issues that need to be resolved with regard to sizing and current City Development Improvement Policies. In addition, City DPW has questioned some of the information shown on the plan. Because of the location of the existing road and the current improvement status, road or curb improvements are not required for this single lot.

Because major issues with design has arisen, Staff recommends a continuance to the December Planning Commission meeting in order for the issues to be resolved and a TAC meeting held for the revised plan. (Submission for the December meeting is October 24.)

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Staff Presentation and Recommendation Cont.

Mr. Stup answered questions with regard to the plan.

Applicant

Mr. Mike Sponseller, applicant, presented the applicant's case.

Public Comment

None.

Rebuttal

None

Decision

Ms Koenig made a motion to continue the request in accordance with Staff Recommendation; Mr. Dougherty seconded the motion.

Vote: Yea 5 Nay 0

Zoning – Platted Street Opening

DVL – Gum Springs: Request Planning Commission recommendation to open G Street, located at platted G Street and Ninth Avenue. Zoning Classification: OS, BR-SP-01-05-IP

Mr. Gladstone administered the oath for those additional people going to testify on this case.

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report. He stated that the developer of this project filed a request that the Mayor and Council conditionally accept G Street in accordance with the City's Street and Alley Acceptance Procedure for the purpose of constructing a road at his expense. The item was heard at the July 8, 2003 Mayor and Council meeting. The Council had concern with the G Street intersection with Ninth Avenue and requested Planning Commission recommendation on the issue and the application in accordance with the City's Procedure.

The request for conditional street acceptance to permit the applicant to construct G Street was heard at the July 8th Mayor and Council meeting. The procedure requires that the Planning Commission make a recommendation on the request. Since this matter was

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Staff Presentation and Recommendation Cont.

part of a Residential Site Plan and Improvement Plans, which had received conditional approval from the Commission, Staff proceeded with processing the request for Council Action. During that meeting Council had specific concerns with regard to G Street intersection with Ninth Avenue. Based on that it was continued for the Planning Commission to review the request and also remanded the G Street intersection issue of the Site Plan back for review. The specific issues are as follows:

- Review of the Preliminary Street Profile
- Sight distance
- Intersection landing (Sufficient landing area.)
- Compaction of existing fill (Council noted that the fill was placed in the platted right-of-way by the adjoining lot owners and not the City for their driveway use and aesthetics.
- Preliminary limits of grading (Impact on adjoining properties.)
- Approximate limit of off-site grading and number of off-site easements for construction or slopes and drainage
- Adverse impact on existing public utilities

In addition, the Mayor and Council requested that normal notification of the hearing be placed for the residents of Ninth Avenue.

Since all of the required information has not been submitted and the agencies have not reviewed the response to the issues, and the site was not properly posted, Staff recommends continuance of the item until the November meeting to permit the applicant to supply the required information and receive agency review.

In addition, the deadline for submission for the November Meeting is September 26. Since this is additional information that should have been submitted, Staff recommends that the deadline for these items to be submitted as a total package be extended to October 15 to allow the applicant sufficient time to prepare the submission package.

Mr. Stup answered questions with regard to the request.

Applicant

Mr. David Severn, Severn, O'Connor & Kresslein, presented the case with Ms. Laura Melia, applicant's corporate attorney; Bill Brennan, B & R Design Group; and Gary Castle, Gary Castle & Associates. He stated that they had complied with the requests of Staff and the site was posted in the locations previously required even though they felt that there were no regulatory requirements for posting.

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Applicant Cont.

Mr. Brennan disputed that a memo from him was the same as an Engineer's Certification with regard to the compaction issue.

It was stated that they questioned the authority of the proposal being before the Commission and that the requirement were a new procedure and should not apply to this case.

Public Comment

Lee Smith had concerns with the increase traffic and effect on existing residents and parking.

Jim Haller had concerns about increased traffic and stormwater.

Eric Wander had concerns about traffic, vehicular speed and drainage.

Barbara Baker clarified parking on Ninth Avenue.

Betty Heffner comment on general issues on this project and the H Street project.

Rebuttal

Mr. Severn presented the applicant's rebuttal with assistance from Mr. Brennan.

Decision

Mr. Burruss made a motion to continue the request in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

Mr. Stup was asked to clarify several issues. He stated that the posting requirement was required because the case was indirectly part of the Residential Site Plan and the Commission's Posting Policy for all cases heard on the Commission agenda. In addition, he outlined some of the specific criteria that the Commission needed to focus and the request from the Council on issues to be reviewed.

VOTE: Yea 4 Nay 1 (Mr. Dougherty)

Zoning – Zoning Certificate

Sansone Division, Lot 2: Request for wavier from construction of public improvements, located at the corner of Fifth Avenue and H Street. Zoning Classification: R-1 & OS, BR-S-02-1A

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Sansone Division Cont.

Case withdrawn by Applicant.

Public Comment

Avery, aka Yose commented what a beautiful process the Planning Commission was.

Adjournment

The meeting was adjourned at 9:40 PM.

Respectfully submitted,

Connie Koenig, Secretary
Brunswick Planning Commission